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**FILED**

**FEB 01 2024**

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE LITHIUM ION BATTERIES ) 13-MD-02420 YGR (DMR)  
ANTITRUST LITIGATION )

**RESPONSE TO COURT ORDER AND REQUEST TO PAY OR SUBMIT TO  
UNCLAIMED PROPERTY**

I, Jose Fernandez, declare and state under penalty for perjury:

1. If the claims administrator cannot figure out how to pay class members who filed a valid claim, they need to follow state unclaimed property law as to the uncashed electronic or check payments. This is why: *All Plaintiffs v. All Defendants*, 645 F.3d 329 (5th Cir. 2011).
2. The State of the last known address of the claimant is the state law that must apply to the uncashed check. So for me, it can go to New York, but for others, possibly other states if the address is known. *Mast v. Go 2 Transp. LLC*, No. CV-16-01022-PHX-ROS (D. Ariz. Jan. 25, 2019).
3. For those without an address, it must be sent to the state where the claims administrator is incorporated. *Pennsylvania v. New York*, 407 US 206 (1972).
4. I also agree that Class Counsel is conflicted. They are trying to take money away from some claimants and give it to the other claimants. So the people who put in claims are a subclass of impaired claimants without any form of representation.
5. This violates my due process rights, which I specifically invoke. Specifically, "[T]he Due Process Clause of course requires that the named plaintiff at all times adequately represent the interests of the absent class members." *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812, 105 S.Ct. 2965, 86 L.Ed.2d 628 (1985).
6. How is Class Counsel adequately representing the interests of the absent class members who did not receive

their payment due? Certainly, advocating that those payments should be given to other people means that Class Counsel is advocating to unjustly enrich the people who received their payment with the money from the people who did not receive it.

7. I did not receive my payment so I figured I should change my email address. On September 19, 2023, I wrote:  
"From: donjose@dlmg.info <donjose@dlmg.info> Sent: Tuesday, September 19, 2023 4:58 PM To: info@reversethecharge.com Subject: Payment To Whom it May Concern! Could you send this payment as your terms? the best way to send it for me is by email at fernandez.jose@k2send.com. If there any questions, please feel to let me know. Thank you for your time, and I look forward to hearing back from you. Best regards, Jose Fernandez"
8. The administrator wrote back, "From info@reversethecharge.com info@reversethecharge.com> To 'donjose@dlmg.info' <donjose@dlmg.info> Date 2023-10-02 16:11 The email address on this claim has been updated. You will receive a payment email at the new address in the next several weeks. Sincerely, Lithium Batteries Indirect Purchaser Settlement Administrator (DEF) 1-855-730-8645 info@reversethecharge.com".
9. Both emails are valid. I did not receive a payment to either address. I checked my SPAM box.
10. The claims administrator is quite vague about the process they used to pay people. Based on information, they relied on the Blackhawk/Pathward system that is riddled with problems rather than using their own system. News reports show multiple data breaches with these payment card systems, and Blackhawk won't reveal the extent of it. Blackhawk is so paranoid that if it did not like an email server, it blocked the payment.
11. The claims administrator must do what it takes to make sure that claimants are paid and if not they must turn the money over for the benefit of the claimants.

*Jose Fernandez*

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30 JAN 2024 PM 4 L



**MAILED**

**JAN 30 2024**

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**RECEIVED**

**FEB 01 2024**

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

94102-348999

